

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|---------------------------|---|-----------|
| UNITED STATES OF AMERICA, |) | |
| |) | 8:07CR346 |
| Plaintiff, |) | |
| |) | |
| vs. |) | ORDER |
| |) | |
| SHARON JOHNSON, |) | |
| |) | |
| Defendant. |) | |

This matter is before the court on the motion to continue by defendant Sharon Johnson (Johnson) (Filing No.79). Johnson seeks a continuance of the trial of this matter which is scheduled for March 8, 2010. Johnson has submitted an affidavit wherein Johnson represents that she consents to the motion and acknowledges she understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 81). Johnson's counsel represents that government's counsel has no objection to the motion. The court held a telephone conference with counsel on February 25, 2010. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Johnson's motion to continue trial (Filing No. 79) is granted.
2. Trial of this matter is re-scheduled for **July 6, 2010**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **February 26, 2010, and July 6, 2010**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant is physically unable to stand trial. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(4).
3. Counsel for defendant shall file a status report with the court **on or before March 12, 2010**.

DATED this 26th day of February, 2010.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge